

## **TOWN OF NEWSTEAD - PLANNING BOARD MINUTES**

### **December 12, 2005**

PRESENT: Tom Cowan, Chairman  
Terry Janicz  
John Olaf  
Andy Kelkenberg  
Rick Meahl  
Christine Falkowski, Recording Clerk  
Rebecca Baker, Zoning Officer

ABSENT: John Potera  
Don Hoefler

The Planning Board meeting was called to order by Tom Cowan at 7:30PM.

#### **7-Lot Major Subdivision – Berghorn Road – Ronald Epstein, representing Keith Berghorn**

Mr. Epstein (buyer of 3 lots on Berghorn), Mr. & Mrs. Berghorn (seller), and Mr. & Mrs. Green (buyer of one or two lots on Crego) attended the meeting. A survey was submitted for the three lots. Does the third most southern lot on Berghorn connect with the property stake of Tucker? If so, an additional lot is created by default, which makes this an 8-lot subdivision. This will be answered when the applicant provides a major subdivision plot plan of the entire parent parcel to include:

- Concept homes and driveways
- First floor elevations
- Septic system placement
- Drainage plan with spot elevations illustrating no off-site consequences

The Berghorn's were advised to take into account all potential splits, even as a concept only at this time. There is adequate frontage on Berghorn for six more lots, and Crego for approximately three more lots. Also, the SEQR (Long EAF) must be completed for the entire parcel, instead of just the 3 lots.

The next meeting of the Planning Board is January 16<sup>th</sup>. January 6<sup>th</sup> is the deadline for submitting documents for the agenda. Thursday, January 12<sup>th</sup> is the meeting to review items for the agenda, and Ron Epstein may attend.

#### **Crego Road 1-Lot Subdivision (Keith Berghorn) Conditional Approval**

From the same parent parcel above, Mr. Berghorn received conditional approval in October. Mr. & Mrs. Green are the buyers, and their attorney needs a letter from the Town stating that the conditions have been met, but they have not. Wendel did a second review of the site work and found that (1) site plan must be provided showing location and width and depth of the installed swale in relation to proposed property and to existing east-west ditch that bisects the 21-acre parcel. (2) Spoils from an installed narrow trench prevent the natural flow of water from entering trench. The spoil piles must be regarded such that they allow water to enter it. A revised site plan/drainage plan showing elevations plotted and showing runoff draining to the ditch must be provided. This will require some kind of agreement/permission from Mr. Berghorn to drain via Keith's land to the ditch south of Green's lot. Mr. Green may want to purchase another lot adjacent to his at the west for his son to build on some day. If so, Mr. Berghorn may wish to show the proposed extra parcel in the above 7-lot subdivision. Due to the frozen ground currently, Terry made a motion that the conditions cannot be met due to weather, and that the conditions be amended to include the condition that the site plan and site work will be done in Spring 2006 and will be a condition of Mr. Green's Certificate of Occupancy for home building, seconded by John:

Tom Cowan	-Aye
Rick Meahl	-Aye
Terry Janicz	-Aye
John Olaf	-Aye
Andy Kelkenberg	-Aye

#### **Site Plan – Nicholas, Perot, Smith, etal – Main Road**

Although not submitted yet, it was explained to the Board that this property owner applied for a building permit for two 400 SF wooden, gabled-roof sheds to be placed on the west side of their building. Because this commercial property is on Route 5, they must submit a site plan showing the expansion and comply with the Overlay Zone. As these types of buildings do not comply with the architectural features of the existing building, it was suggested that they be placed behind the building with some landscape screening.

**Dollar General – Temporary C of O**

The store will open for business soon, and they will be given a Conditional C of O to expire June 1, 2006. As a guarantee of completion, a \$2500 escrow deposit was received. Final grading and seeding, including grading of the 14 land-banked parking spots can be completed in the spring, at which time the escrow will be refunded and a Final C of O issued.

**Minutes Review**

Andy motioned to approve the minutes of November 21<sup>st</sup> as written, seconded by Terry:

Tom Cowan	-Aye
Rick Meahl	-Aye
Terry Janicz	-Aye
John Olaf	-Aye
Andy Kelkenberg	-Aye

**Route 5 Overlay District**

Tom summarized the November 28<sup>th</sup> Route 5 Rezoning Committee Meeting. Boundaries will not change, but the concept map in the Master Plan will be amended. If an applicant complies with the Master Plan, rezoning a parcel would not be necessary. Relative to permitted uses, Tom promised to share another copy of the zoning code showing the cross-outs of proposed use changes.

**Special Use Permits in RA Zone for Home-Based Businesses** (April 4<sup>th</sup> recommendations to the Town Board)**Niagara Specialty Metals**

Christine reported that Bob Shabala will be submitting a site plan for the January 16<sup>th</sup> meeting. They have installed a dust collector to capture smoke that is generated while producing Molybdenum, and would like to enclose it in an 800 SF building. They would also like to install a second dust collector and enclosed it in a 1,500 SF building. Christine distributed a letter with hand-drawn additions on site plan.

Tom made a motion to adjourn the meeting at 9:15PM, seconded by John and all approved.

Respectfully submitted by

Christine Falkowski  
Recording Clerk